NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 142 LCR 62, dated Bangalore, the 3rd October 1962.

Ordered that the accompanying Notification No. G.S.R. 1183, dated the 4th September 1962, of the Supreme Court of India, amending the Supreme Court Rules, 1950, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i), dated the 8th September 1962, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

S SRIPADARAJ,
Under Secy. to Govt., L. D.

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GOVERNMENT OF INDIA.

SUPREME COURT, INDIA.

New Delhi, the 4th September 1962.

G.S R. 1183.—

AMENDMENTS TO SUPREME COURT RULES, 1950

In the said Rules—

I. In Order I

In Rule 2 (1).

(i) for the definition of Advocate the following shall be substituted, namely —

'Advocate' means a person whose name is entered on the Common Roll maintained under section 20 of the Advocates Act, 1961

(ii) after the definition of 'The Rules' and before the definition of 'Taxing Officer', the following definition shall be inserted, namely —

'Senior Advocate' means any advocate so designated under section 16 (2) of the Advocates Act, 1961, and all such Advocates whose names were borne on the Roll of the Senior Advocates of the Supreme Court immediately before the commencement of Chapter III of the Advocates Act, 1961

II. In Order IV

(1) Rules 1 to 4 shall be omitted.

(2) For rule 5 the following rule shall be substituted, namely —

"5 Subject to the provisions of these rules only those Advocates whose names are entered on the Common Roll maintained by the Bar Council of India under section 20 of the Advocates Act, 1961, shall be entitled to appear and plead before this Court

Provided that the Court may, if for any special reason it thinks desirable to do so, permit any other person, to appear before it in a particular case"

(3) Rule 6 shall be omitted.

(4) For rule 7 the following rule shall be substituted, namely —

"7 (a) The Chief Justice and the Judges may, with the consent of the Advocate, designate an Advocate as Senior Advocate if in their opinion by virtue of his ability, experience and standing at the Bar the said Advocate is deserving of such distinction

(b) A Senior Advocate shall not—

(i) file a vakalat or act in any Court or Tribunal in India

(ii) appear without an Advocate on Record in this Court or without a Junior in any other Court or Tribunal in India

(iii) accept instructions to draw pleadings, affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to setting any such matter as aforesaid in consulation with a Junior,

(iv) accept directly from a client any brief or instructions to appear in any Court or Tribunal in India.

Explanation

'Acting' means to file an appearance or any pleadings or applications in any Court or Tribunal in India, or to do any act (other than pleading) required or authorised by law to be done by a party in such Court or Tribunal either in person or by his recognised Agent or by an Advocate or Attorney on his behalf

'Tribunal' includes any authority or person legally authorised to take evidence and before whom Advocates by or under any law for the time being in force are entitled to practice

'Junior' means an Advocate other than a Senior Advocate.

(c) Upon an Advocate being designated as a Senior Advocate the Registrar shall communicate to all the High Courts and the Secretary, Bar Council of India the name of the said Advocate and the date on which he was so designated

(5) Rules 8, 9, 10, 11, 12 and 14 shall be omitted

(6) For rule 15 the following rule shall be substituted, namely —

"15. Any Advocate not being a Senior Advocate may, on his fulfilling the conditions laid down in Rule 16, be registered in the Court as an Advocate on Record

Provided that notwithstanding anything contained in Rule 16 any Advocate whose name was registered with the Registrar as an Advocate on Record immediately before the 8th day of September 1962 shall be registered as an Advocate on Record."

(7) For rule 16 the following rule shall be substituted, namely —

"16 No Advocate shall be qualified to be registered as an Advocate on Record unless he—

(1) has undergone training for one year with an Advocate on Record approved by the Court, and has thereafter passed such tests as may be held by the Court for Advocates who apply to be registered as Advocates on Record, particulars whereof shall be notified in the Gazette of India from time to time, provided however that an Attorney shall be exempted from such training and test

(2) has an office in Delhi within a redius of 10 miles from the Court House and gives an undertaking to employ, within one month of his being registered as Advocate on Record, a registered clerk, and

(3) pays a registration fee of Rs. 25"

(8) For rule 17 the following rule shall be substituted, namely —

"17 An Advocate on Record shall be entitled to act as well as plead for any party in a proceeding on his filing in the Proceeding a memorandum of appearance accompanied by a Vakalatnama duly executed by the party in the prescribed form.

No Advocate other than an Advocate on Record shall be entitled to file an appearance or act for party in the Court'

(9) For rule 18 the following rule shall be substituted, namely —

"18 Where an Advocate on Record ceases to have an office and/or a registered clerk as required by clause (2) of rule 16, notice shall issue to such Advocate to show cause before the Chamber Judge on a date fixed, why his name should not be struck off the register of Advocates on Record, and if the Chamber Judge thinks fit to make such an order the name of such Advocate shall be removed from the register accordingly and the Advocate shall thereafter cease to be entitled to act as an Advocate on Record."

(10) After rule 18 the following rule shall be inserted, namely .—

"18-A. Where an Advocate on Record is suspended or his name is removed from the Common Roll maintained under the Advocates Act, 1961, he shall unless otherwise ordered by the Court be deemed as from the date of the order of the State Bar Council or the Bar Council of India, as the case may be, to be suspended or removed from the register of Advocates on Record for the same period as mentioned in the order of the State Bar Council or the Bar Council of India."

(11) After rule 22 the following rule shall be inserted, namely —

"22-A (1) The Registrar shall publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts to be known as 'list of touts' and may, from time to time, alter and amend such lists.

A copy of every list of touts shall be kept hung upon the Court Notice Board.

Explanation

(a) 'Tout' means a person who procures, in consideration of any remuneration moving from any Advocate or from any person on his behalf, the employment of such Advocate in any legal business, or who proposes to any Advocate or procures, in consideration of any remuneration moving from such Advocate or from any person on his behalf, the employment of the Advocate in such business, or who for purposes of such procurement frequents the precincts of the Court.

(b) The passing of a resolution by the Supreme Court Bar Association declaring any person to be a tout shall be evidence of general repute of such person for purpose of this Rule.

(2) No person shall be included in the list of touts unless he has been given an opportunity to show cause against his inclusion in such list. Any person may appeal to the Chamber Judge against the order of the Registrar including his name in such list.

(3) The Registrar may, by general or special order, exclude from the precincts of the Court all such persons whose names are included in the list of touts."

(12) Rule 23 shall be omitted.

(13) In rule 26 after the word "Advocate," the words "on Record" shall be inserted.

(14) For rule 31 the following rule shall be substituted, namely —

"31. Two or more Advocates on Report may enter into a partnership with each other, and any partner may act in the name of the partnership provided that the partnership is registered with the Registrar. Any change in the composition of the partnership shall be notified to the Registrar."

III. In Order V, Rule 2, for item (30), the following item shall be substituted, namely —

"(30) Applications for registration of Advocates as Advocates on Record."

IV. In the Fifth Schedule, Form No. 1 shall be omitted.

[No. F. 10/62-S.C. MJ. (I).]

M. P. SAXENA, Asstt. Registrar.